

BEFORE THE DIVISION OF WATER RIGHTS

<p>In The Matter Of:</p> <p>5 STAR RANCH, LLC</p> <p>RESPONDENT</p>	<p>DELINQUENT ASSESSMENT COLLECTION NOTICE</p> <p>SEAA No. 1466 DISTRIBUTION ACCOUNT: 102887 WATER RIGHTS: 51-245, 51-4426</p>
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I. AUTHORITY

The Division of Water Rights ("Division") issues this Notice under UTAH CODE ANN. § 73-5-1 (2008), and in accordance with UTAH ADMIN. CODE R. 655-15 (2008).

U.C.A. § 73-5-1 states in part :

(3) (a) (i) The salary and expenses of the commissioner and all other expenses of distribution, ... shall be borne pro rata by the users of water from the river system or water source in accordance with a schedule to be fixed by the state engineer.

(ii) The schedule shall be based on the established rights of each water user, and the pro rata share shall be paid by each water user to the state engineer on or before May 1 of each year.

(c) If a water user fails to pay the assessment as provided by Subsection (3)(a), the state engineer may do any or all of the following:

(i) create a lien upon the water right affected by filing a notice of lien in the office of the county recorder in the county where the water is diverted and bring an action to enforce the lien;

(ii) forbid the use of water by the delinquent water user or the delinquent water user's successors or assignees, while the default continues; or

(iii) bring an action in the district court for the unpaid expense and salary.

(d) In any action brought to collect any unpaid assessment or to enforce any lien under this section, the delinquent water user shall be liable for the amount of the assessment, interest, any penalty, and for all costs of collection, including all court costs and a reasonable attorney fee.

II. STATEMENT OF FACTS

1. The Respondent is the water user under Distribution Account No. 102887 and owner of the Water Rights No. 51-245 and 51-4426
2. The following Distribution Assessment Notices have been issued for Distribution Account No. 102887:

DATE	NOTICE TYPE	AMOUNT
4/12/2012	Annual Assessment	\$89.53
6/19/2012	Delinquent Fee	\$8.95
3/12/2013	Annual Assessment	\$111.96
7/9/2013	Delinquent Fee	\$21.04

3. **The unpaid balance of Distribution Account No. 102887 is \$231.48 including assessments and delinquent penalties.**

III. ACTIONS REQUIRED

1. The Respondent is hereby notified that the unpaid balance of \$231.48 must be paid in full within 30 days of the date of this Notice.
2. Payment of the unpaid balance shall be made in the form of a check payable to **“Utah State Engineer”** delivered to the address below:
Utah State Engineer
1594 West North Temple
PO Box 146300
Salt Lake City, UT 84114-6300
3. The enclosed assessment notice must be submitted with the payment and the distribution account number shown in the caption of this notice must be written on the check.

IV. ADDITIONAL AGENCY ACTION

1. The Respondent is encouraged to pay the unpaid balance in full as required by this Notice. If the payment is made in a timely manner, the Division will conclude this agency action.
2. If the payment is not made in a timely manner, the Division will issue an Order forbidding the use of water until the payment is made as allowed under Utah Code Ann. § 73-5-1 (3)(c)(ii).
3. If an Order forbidding the use of water is issued and is violated by the Respondent, the Division may commence an enforcement action in accordance with Utah Code Ann. § 73-2-25 (2008).

SEAA No.

5 Star Ranch, LLC, Respondent

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V. FURTHER INFORMATION

If you have any questions concerning this Notice, please refer them to:

Sue Odekirk
(801)538-7431
susanodekirk@utah.gov

PO BOX 146300
Salt Lake City, Utah 84114-6300

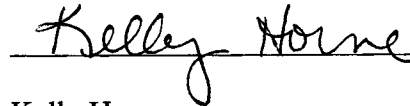
Dated this 19th day of August, 2013


Distribution Engineer

CERTIFICATE OF MAILING

I, the undersigned, certify that on this 19th day of August, 2013, I mailed a copy of the foregoing Notice by regular U.S. Mail, delivery confirmation receipt requested, to the following:

5 STAR RANCH, LLC
HC 13 BOX 437
FAIRVIEW, UT 84629



Kelly Horne
Division of Water Rights
Field Services Secretary

USPS TRACKING # **9114 9010 7574 2467 1009 21**
& CUSTOMER
RECEIPT For Tracking or inquiries go to USPS.com
or call 1-800-222-1811.

EC: John Mendenhall, Commissioner